

REMARKS

By the present amendment, Applicant has amended Claims 1-6, 13-17 and 20, cancelled Claims 7-12, 18 and 19, and added Claim 21. Claims 1-6, 13-17, 20 and 21 remain pending in the present application. Claims 1 and 17 are independent claims.

Applicant appreciates the courtesies extended to Applicant's representative during the personal interview held July 23, 2004. The present response summarizes the substance of the interview and the agreement reached. At the interview a proposed amendment was presented. Proposed Claim 1 set forth a combination wrench and wrench stop including an elongated shank having at least one gripping end, and a rigid circular plate removably attached to the gripping end. The circular plate defines a hole through the center, and is adapted to extend around a shank or bolt, and the circular plate is magnetized. Proposed Claim 17 set forth a wrench stop including a circular plate and an annular magnet permanently affixed to the circular ring. Arguments were advanced that the applied prior references do not anticipate, nor render obvious Applicant's uniquely claimed invention. Specifically, the applied prior art patent to Kwaka discloses a wrench having a integrally formed stop on one side of the wrench gripping ends. Kwaka does not anticipate the invention as proposed because Kwaka does not disclose the circular plate removably attached to the gripping end of the wrench, or that the circular plate is magnetized. Further, it was discussed that the applied secondary references to White and Dedrick did not provide the teachings necessary to modify Kwaka in order to render the claimed invention obvious. The Examiner indicated that the rejections

based upon the applied prior art references will be reconsidered upon the filing of a formal amendment including the features as set forth in the proposed amendment.

Applicant has amended Claims 1-6, 13-17 and 20, and added newly presented Claim 21. More specifically, independent Claim 1, as amended, recites in combination, a wrench and a wrench stop. The wrench has an elongated shank having at least one gripping end having opposing sides, the gripping end being adapted for gripping a fastener, the shank being turned in order to apply torque for tightening and loosening the fastener. The wrench stop has a rigid circular plate removably attached to one of the opposing sides of the gripping end in order to prevent the gripping end from slipping past the fastener. The plate has a hole defined through the center thereof, and is adapted for extending around a shank of a bolt or stud. The toothed ring is coupled to the rigid circular plate and has a diameter smaller than the circular plate and, as the plate, defines a hole therethrough. The hole is aligned with the hole of the circular plate. In addition, the circular plate is magnetized.

Independent Claim 17 has been amended to recite a wrench stop comprising a circular plate, an annular magnet, and a toothed ring. The circular plate has a hole defined therein. The annular magnet is permanently affixed to the circular plate and defines a hole aligned with the hole in said circular plate. The circular plate has a serrated periphery for ease in grasping the wrench stop. The toothed ring attached to said annular magnet. The plate is adapted for selective attachment across a gripping end of a wrench, such that the hole is adapted to extend around a shank of a bolt or stud in order to prevent the wrench from disengaging therefrom. In addition, the wrench stop is adapted for attachment to the gripping end of the wrench by magnetic attraction.

Applicant will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

The Examiner rejected Claims 1, 2, 4, 5, 9, 15, 17, and 18 under 35 U.S.C. 102(b), as being anticipated by Kwaka. Claims 9, 17, and 18 have been canceled. With respect to the remaining claims, this rejection is respectfully traversed.

Kwaka discloses combination wrench having a first retainer plate permanently affixed to jaws of the open ended extremity of the wrench, and a second retainer plate permanently affixed to the periphery of the closed ended extremity of the wrench. Kwaka does not disclose a removable stop associated with either extremity of the wrench. As such, Kwaka does not anticipate independent Claim 1. On the other hand, the retainers disclosed in Kwaka require the wrench as the component to be affixed upon. Thus, with respect independent Claim 17, Kwaka does not anticipate this claim because Claim 17 does not include the wrench for patentability. Applicant respectfully submits that Kwaka is not an anticipatory reference against independent Claims 1 and 17, and as such, requests that this ground of rejection be withdrawn.

The Examiner rejected Claims 13, and 16 under 35 U.S.C. 103(a) as being unpatentable over Kwaka. Claims 3, 7, 8, 11, 12, 14, 19 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kwaka in view of White. Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kwaka in view of White, and further in view of Dedrick. Claims 7, 8, 11, 12, and 19 have been canceled. With respect to the remaining claims, these rejections are respectfully traversed.

As discussed above, Kwaka teaches a wrench having retainers permanently affixed to the extremities thereof. As such, Kwaka does not teach the retainers being removable, nor magnetized, as recited in independent Claim 1. Likewise, Kwaka does not even suggest the retainers separate and removed from the wrench, as set forth in independent Claim 17.

With respect to the dependent claims, Kwaka does not teach every feature of the independent Claims 1 and 17. Likewise, one having ordinary skill in the art would not have found it obvious to substantially alter the structure of Kwaka to arrive at the independent structures set forth in Claims 1 and 17. The applied secondary references to White, and Dedrick also do not teach the features of the base claims. Applicant respectfully submits that these rejections under 35 U.S.C. 103(a) are without merit, and should be withdrawn. More particularly, the wrench stops disclosed in White, like those of Kwaka, are permanently affixed to the wrench ends. Thus there is no motivation or guidance found in the alleged combination of these references to provide a removable wrench stop in combination with the wrench. On the other hand, one may construe the wrench stop attachment of Dedrick as removable, but the wrench stop attachment of Dedrick is not a circular plate, and teaches away from a hole defined through the center of the circular plate. Thus, there is no substantive teaching, guidance, or motivation, aside from Applicant's own disclosure, that would have lead one having ordinary skill in the art to combine the references of Kwaka, White, and Dedrick to arrive at the unique structural features of Applicant's claimed embodiments. Thus, Applicant respectfully submits that these grounds of rejection are based on improper hindsight, and should be withdrawn.

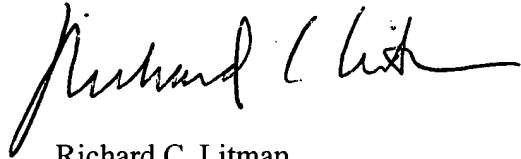
Application Serial No.: 10/602,768
Art Unit: 3723

Attorney Docket No. 22671.00
Confirmation No. 2272

The claims in this application have been revised to more particularly define applicants' unique construction in view of the prior art of record. Applicant respectfully submits that for at least these reasons, Claims 1-6, 13-17 and 20 are allowable over the prior art applied of record. Reconsideration of the claims in light of the amendments and for the foregoing reasons is respectfully requested.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,



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